

**Introduced by Senator Price**

February 14, 2011

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An act to amend Section 81033 of the Education Code, relating to public postsecondary education.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 295, as introduced, Price. Public postsecondary education: community colleges: site acquisitions.

Existing law establishes, as one segment the 3 segments of public postsecondary education the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges.

Existing law requires the governing board of a community college district, prior to acquiring any site on which it proposes to construct any school building, as defined, to have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of specified factors, in a specified manner. Copies of the results of these investigations must be submitted to the Chancellor's office of the California Community Colleges. Existing law contains prohibitions, restrictions and procedures applicable to the proposed siting of buildings within 2 miles of an airport runway.

This bill would repeal the provisions relating to the relocation of a site within 2 miles of an airport runway.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 81033 of the Education Code is amended to read:

81033. (a) The governing board of a community college district, prior to acquiring any site on which it proposes to construct any school building as defined in Section 81130.5, shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective college site is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geological hazard damage.

The geological and soil engineering studies of the site shall be of a nature that will preclude siting of a college in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation also shall include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

For the purposes of this article, a special studies zone is an area that is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code. A copy of the report of each investigation conducted pursuant to this section shall be submitted to the board of governors.

(b) Geological and soil engineering studies as described in subdivision (a) shall be made, within the boundaries of any special studies zone, for the construction of any school building as defined

1 in Section 81130.5 or, if the estimated cost exceeds twenty  
2 thousand dollars (\$20,000), for the reconstruction or alteration of  
3 or addition to that building for work which alters structural  
4 elements. The Department of General Services may require similar  
5 geological and soil engineering studies for the construction or  
6 alteration of any building on a site located outside of the boundaries  
7 of any special studies zone. These studies need not be made if the  
8 site under consideration has been the subject of adequate prior  
9 studies.

10 No school building shall be constructed, reconstructed, or  
11 relocated on the trace of a geological fault along which surface  
12 rupture can reasonably be expected to occur within the life of the  
13 school building.

14 A copy of the report of each investigation conducted pursuant  
15 to this section shall be submitted to the Department of General  
16 Services pursuant to Article 7 (commencing with Section 81130)  
17 and to the Chancellor's office of the California Community  
18 Colleges. The cost of geological and soil engineering studies and  
19 investigations conducted pursuant to this section may be treated  
20 as a capital expenditure.

21 ~~(e) To promote the safety of students, comprehensive community~~  
22 ~~planning, and greater educational usefulness of community college~~  
23 ~~sites, the governing board of each community college district, if~~  
24 ~~the proposed site is within two miles, measured by air line, of that~~  
25 ~~point on an airport runway, or runway proposed by an airport~~  
26 ~~master plan, which is nearest the site and excluding them if the~~  
27 ~~property is not so located, before acquiring title to property for a~~  
28 ~~new community college site or for an addition to a present site,~~  
29 ~~shall give the board of governors notice in writing of the proposed~~  
30 ~~acquisition and shall submit any information required by the board~~  
31 ~~of governors.~~

32 ~~Immediately after receiving notice of the proposed acquisition~~  
33 ~~of property which is within two miles, measured by air line, of~~  
34 ~~that point on an airport runway, or runway proposed by an airport~~  
35 ~~master plan, which is nearest the site, the board of governors shall~~  
36 ~~notify the Division of Aeronautics of the Department of~~  
37 ~~Transportation, in writing, of the proposed acquisition. The~~  
38 ~~Division of Aeronautics shall make an investigation and report to~~  
39 ~~the board of governors within 30 working days after receipt of the~~  
40 ~~notice. If the Division of Aeronautics is no longer in operation,~~

1 the board of governors, in lieu of notifying the Division of  
2 Aeronautics, shall notify the Federal Aviation Administration or  
3 any other appropriate agency, in writing, of the proposed  
4 acquisition for the purpose of obtaining from the authority or other  
5 agency any information or assistance it may desire to give.

6 The board of governors shall investigate the proposed site and,  
7 within 35 working days after receipt of the notice, shall submit to  
8 the governing board a written report and its recommendations  
9 concerning acquisition of the site. The governing board shall not  
10 acquire title to the property until the report of the board of  
11 governors has been received. If the report does not favor the  
12 acquisition of the property for a community college site or an  
13 addition to a present community college site, the governing board  
14 shall not acquire title to the property until 30 days after the  
15 department's report is received and until the board of governors'  
16 report has been read at a public hearing duly called after 10 days'  
17 notice published once in a newspaper of general circulation within  
18 the community college district, or if there is no such newspaper,  
19 then in a newspaper of general circulation within the county in  
20 which the property is located.

21 (d) If, with respect to a proposed site located within two miles  
22 of an operative airport runway, the report of the board of governors  
23 submitted to a community college district governing board under  
24 subdivision (c) does not favor the acquisition of the site on the  
25 sole or partial basis of the unfavorable recommendation of the  
26 Division of Aeronautics of the Department of Transportation, no  
27 state agency or officer shall grant, apportion, or allow to that  
28 community college district for expenditure in connection with that  
29 site, any state funds otherwise made available under any state law  
30 whatever for community college site acquisition or college building  
31 construction, or for expansion of existing sites and buildings, and  
32 no funds of the community college district or of the county in  
33 which the district lies shall be expended for those purposes.  
34 However, this section shall not be applicable to sites acquired prior  
35 to January 1, 1966, or to any additions or extensions to those sites.

36 If the recommendation of the Division of Aeronautics is  
37 unfavorable, the recommendation shall not be overruled without  
38 the express approval of the board of governors and the State  
39 Allocation Board.

40 (e)

1     (c) No action undertaken by the board of governors or by any  
2     other state agency or by any political subdivision pursuant to this  
3     chapter, or in compliance with this chapter, shall be construed to  
4     affect any rights arising under Section 19 of Article I of the  
5     California Constitution.

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